

**MINUTES OF THE OPEN SESSION  
OF THE RHODE ISLAND ETHICS COMMISSION**

**February 3, 2015**

**The Rhode Island Ethics Commission held its 2nd meeting of 2015 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, February 3, 2015, pursuant to the notice published at the Commission offices, the State House Library, and electronically with the Rhode Island Secretary of State.**

**The following Commissioners were present:**

**Ross Cheit, Chair   John M. LaCross**

**John D. Lynch, Jr., Vice Chair\*   Edward A. Magro**

**Frederick K. Butler\*\*\*   James V. Murray**

**Mark B. Heffner\*\***

**Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason Gramitt, Education Coordinator/Staff Attorney; Staff Attorneys Teresa Giusti and Amy C. Stewart; and Commission Investigators Steven Cross, Peter J. Mancini and Gary V. Petrarca.**

**At 9:00 a.m., the Chair opened the meeting. The first order of business was:**

**Approval of minutes of the Open Session held on January 13, 2015.**

**Upon motion made by Commissioner Butler and duly seconded by Commissioner LaCross, it was**

**VOTED: To approve minutes of the Open Session held on January 13, 2015.**

**AYES: John M. LaCross; Frederick K Butler; Ross Cheit.**

**ABSTENTIONS: James V. Murray; Edward A. Magro.**

**The next order of business was:**

### **Advisory Opinions**

**The advisory opinions were based on draft advisory opinions prepared by Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date.**

**The first advisory opinion was that of:**

**Gail Hallock Cyr, AIA, a member of the North Kingstown Historic District Commission, who in her private capacity is an architect,**

requesting an advisory opinion regarding whether she qualifies for a hardship exception to the Code of Ethics' prohibition on appearing before her own board to help a client obtain a Certificate of Appropriateness.

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was not present. Upon motion made by Commissioner Murray and duly seconded by Commissioner Magro, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Gail Hallock Cyr, AIA, a member of the North Kingstown Historic District Commission.

Chair Cheit stated that we were waiting for the Petitioner in the second and third advisory opinions to arrive as well as two more Commissioners. After asking which agenda items were ready, it was determined that the next agenda item was:

### **Executive Session**

At 9:06 a.m., upon motion made by Commissioner Butler and duly seconded by Commissioner Magro, it was unanimously

VOTED: To go into Executive Session, to wit:

- 1. Motion to approve minutes of the Executive Session held on January 13, 2015, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 2. In re: Daniel M. Gendron, Complaint No. 2014-17, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**The Commission reconvened in Open Session at approximately 9:13 a.m.**

**[\*Commissioner Lynch arrived at 9:12 a.m. at the end of Executive Session and did not participate in either of the above matters.]**

**The next order of business was:**

### **Advisory Opinions**

**The second advisory opinion was that of:**

**Keven Miller, a member of the Chariho School Committee, requesting an advisory opinion regarding whether the Code of Ethics prohibits his participation in the School Committee's decision-making relative to the Kingston Hill Academy, a public charter school attended by his two children.**

**Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present. Upon motion made by**

**Commissioner LaCross and duly seconded by Commissioner Murray, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Keven Miller, a member of the Chariho School Committee.**

**[Executive Director Willever arrived at 9:18 a.m.]**

**The final advisory opinion was that of:**

**Keven Miller, a member of the Chariho School Committee, requesting an advisory opinion regarding whether the Code of Ethics prohibits his participation in the School Committee's review of a disciplinary appeal filed by a parent with whom he had previously communicated and discussed the School District's bullying policies.**

**Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present. In response to Commissioner Butler, the Petitioner clarified that this appeal has nothing to do with his own children. Staff Attorney Stewart stated that the parent is a constituent who reached out to the School Committee. Upon motion made by Commissioner Magro and duly seconded by Commissioner Lynch, it was unanimously**

**VOTED: To issue an advisory opinion, attached hereto, to Keven Miller, a member of the Chariho School Committee.**

**The next order of business was:**

### **Legislative Update**

**Staff Attorney Gramitt provided the Commission with a preliminary update now that a new legislative session has begun. He stated that he will monitor both House and Senate bills related to the Ethics Commission, including the reintroduction of bills related to the Ethics Commission's jurisdiction. He summarized the bill introduced by Senator Sheehan last year to restore the Commission's jurisdiction over General Assembly members with two exceptions. He also anticipates bills being introduced without those exceptions, similar to those introduced in prior years.**

**Chair Cheit asked Legal Counsel Alves to look at the language of the bills introduced this year and provide a legal analysis to the Commission. There was a consensus among the Commissioners to wait for Legal Counsel Alves' analysis before taking a position.**

**The next order of business was:**

### **Director's Report.**

**Executive Director Willever reported that there were sixteen (16) complaints and eleven (11) advisory opinions pending. He stated that**

**nine (9) APRA requests were granted since the last meeting, all of which were completed within one (1) business day.**

**The next order of business was:**

**Executive Session.**

**At 9:33 a.m., upon motion made by Commissioner Murray and duly seconded by Commissioner Magro, it was unanimously**

**VOTED: To go into Executive Session, to wit:**

- 1. In re: Paul Rodrigues, Complaint No. 2014-8, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 2. In re: James R. Grundy, Complaint No. 2014-2, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 3. In re: Johanna Harris, Complaint No. 2014-9, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**
- 4. In re: Peter Palumbo, Complaint No. 2014-6, pursuant to R.I. Gen. Laws § 42-46-5(a)(2) and (4).**

**[\*\*Commissioner Heffner arrived at 9:35 a.m.]**

**The Commission reconvened in Open Session at approximately 11:25 a.m.**

**[\*\*\*Commissioner Butler left the meeting at 11:25 a.m.]**

**Upon motion made by Commissioner Magro and duly seconded by Commissioner LaCross, it was unanimously**

**VOTED: To seal the minutes of the Executive Sessions held on February 3, 2015.**

**The next order of business was:**

**Report on Actions Taken in Executive Session.**

**Chair Cheit reported that the Commission took the following actions in the two Executive Sessions:**

**1. Approved the minutes of the Executive Session held on January 13, 2015.**

**The vote was as follows:**

**AYES: John M. LaCross; Frederick K Butler; Ross Cheit.**

**ABSTENTIONS: James V. Murray; Edward A. Magro.**

**[Commissioners Lynch and Heffner were not present at the time of this vote.]**

**2. Unanimously voted to approve a First Extension of Time in the matter of In re: Paul Rodrigues, Complaint No. 2014-8.**

**3. In the matter of In re: James R. Grundy, Complaint No. 2014-2, unanimously voted to find that probable cause does not exist to believe that the Respondent, a member of the North Kingstown Planning Commission, violated R.I. Gen. Laws § 36-14-5(a) by participating in the Planning Commission's discussions and vote regarding proposed amendments to the Town Water Service Area Map. Therefore, the complaint was dismissed with prejudice. [Chair Cheit recused from this matter.]**

**4. In the matter of In re: Johanna Harris, Complaint No. 2014-9, unanimously voted to find that probable cause exists to believe that the Respondent, a member of the Providence Board of Licenses, violated R.I. Gen. Laws § 36-14-5(h) by entering into a contract with the City of Providence to provide employee coaching services without prior public notice and subsequent public disclosure of the contract awarded to her.**

**5. In the matter of In re: Peter Palumbo, Complaint No. 2014-6, voted to find that probable cause exists to believe that the Respondent, while serving as an elected member of the Rhode Island House of**

**Representatives, bid on a Department of Environmental Management contract to operate state beach concessions, in violation of Ethics Commission Regulation 36-14-5007.**

**6. Unanimously voted to approve an Informal Resolution & Settlement in the matter of In re: Daniel M. Gendron, Complaint No. 2014-17. [Commissioners Lynch and Heffner were not present at the time of this vote.]**

**The final order of business was:**

#### **New Business**

**Chair Cheit stated that he appreciated everyone making it to the meeting despite the poor conditions resulting from yesterday's snow storm. He stated that there will be no meeting on February 10, 2015, and the next meeting will be scheduled for February 24, 2015.**

**At 11:28 a.m., upon motion made by Commissioner Lynch and duly seconded by Commissioner LaCross, it was unanimously**

**VOTED: To adjourn.**

**Respectfully**

**submitted,**

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**Robert A. Salk**  
**Secretary**